

**(2008) 04 DEL CK 0150**  
**In the Delhi High Court**  
**Case No : Criminal M.C. 816 of 2007**

Sh. M.K. Bhardwaj and Others

APPELLANT

Vs

State and Others

RESPONDENT

**Date of Decision :** 28-04-2008

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 482  
Penal Code, 1860 (IPC) — Section 120B, 406, 420, 506

**Citation :** (2008) 04 DEL CK 0150

**Hon'ble Judges :** Gita Mittal, J

**Bench :** Single Bench

**Advocate :** Bhu Dutt Sharma, alongwith Party in Person, for the Appellant; R.N. Vats and Party-in-Person, for the Respondent

## Judgement

Gita Mittal, J.—This petition has been filed by the petitioner u/s 482 of the Code of Criminal Procedure praying for quashing of the FIR No. 233/2006 u/s 120B/406/420/506 of the Indian Penal Code registered by the police station Chanakya Puri. Apart from other contentions, it has been contended that the petitioners had arrived at a settlement with the respondent No. 2 who had lodged the complaint against the petitioners on 16th February, 2005. The settlement was arrived at in proceedings before the learned Additional Sessions Judge who was seized of the anticipatory bail application of the petitioner No. 1. Pursuant to the settlement, it is contended that the petitioners have paid the sum of Rs. 50,000/- as the refund towards the amount received from the respondent No. 2. It has further been contended that the passport of the respondent No. 2 was not traceable and consequently a non-cognizable report was lodged by the petitioner with the police station Tughlakabad. The endorsed copy thereof has been furnished to the respondent No. 2 to enable him to apply for a fresh passport and to obtain the same as per the applicable procedures.

2. The respondent No. 2, who is present in person, confirms receipt of the amount which was towards the money which was advanced by him to the

petitioners as stated in the complaint. The respondent No. 2 has also confirmed receipt of the non-cognizable report from the petitioner in respect of his passport which has been lost by them.

Affidavits of both parties have been filed.

3. The petitioner No. 1 who is present in person has also very fairly submitted that he would also compensate the respondent No. 2 for the costs of the litigation which are assessed at Rs. 10,000/- as well as compensate the system by depositing an amount of Rs. 15,000/- with the Delhi High Court Legal Services Committee within a period of four weeks from today.

4. In view of the acts complained of, the machinery of the state has been utilised and investigation has been necessitated, several court proceedings including anticipatory bail application and the present petition have also been necessitated for the same reason. It is only on account of their pendency that the matter resolved by the petitioner. In this background, certainly the petitioner deserves to be remain bound by the statement which has been made in court today.

5. On a consideration of the entire matter and having regard to the offer made by the petitioner, it would appear to be in the interest of justice to permit a quietus be brought to the disputes between the parties.

6. Accordingly, subject to the petitioners paying an amount of Rs. 10,000/- to the respondent No. 2 and depositing an amount of Rs. 15,000/- to the Delhi High Court Legal Services Committee within a period of four weeks from today and tendering proof of payment and deposit before the SHO of the police station Chankya Puri, there shall be quashing of the proceedings in FIR No. 233/2006 u/s 120B/406/420/506 of the Indian Penal Code registered by the police station Chanakya Puri and proceedings arising therefrom.

In case the amount as directed is not deposited, the SHO of the police station Chankya Puri shall bring the same to the notice of this Court.

Dasti to the parties.